

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 950309- B

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 TO ESTABLISH A "PUD" PLANNED UNIT DEVELOPMENT ZONING DISTRICT ON APPROXIMATELY 150 ACRES OF LAND OUT OF THE B. BEACHUM SURVEY NO. 813, ABSTRACT NO. 110; THE BIRD ARNOLD SURVEY NO. 78, ABSTRACT NO. 33; AND THE JAMES TRAMMEL SURVEY NO. 4, ABSTRACT NO. 769, GENERALLY KNOWN AS THE GAINES P.U.D. DEVELOPMENT PROJECT, LOCALLY KNOWN AS THE 4100-4898 SOUTH MOPAC EXPRESSWAY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to establish and define a "PUD" Planned Unit Development zoning district on the property described in City of Austin Planning and Development Department, File No. C814-94-0001, comprising approximately 150 acres of land out of the the B. Beachum Survey No. 813, Abstract No. 110; the Bird Arnold Survey No. 78, Abstract No. 33; and the James Trammel Survey No. 4, Abstract No. 769, said 150 acres being more fully described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes, generally known as the Gaines P.U.D. Development, locally known as the 4100-4898 South Mopac Expressway, in the City of Austin, Travis County, Texas.

PART 2. That this ordinance, along with the attached Exhibits "A" and "B", shall constitute the Land Use Plan of the "PUD" Planned Unit Development District created herein. The "PUD" Planned Unit Development created by this ordinance shall conform to the limitations and conditions set forth herein and as set forth in the Gaines P.U.D. Development General Land Use Plan attached as "Exhibit B" to this ordinance, on record at the Office of Planning and Development Department, File No. C814-94-0001. If the text of this ordinance and the Exhibits attached hereto conflict, the more restrictive provision shall control. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City of Austin in effect on the effective date of this ordinance shall apply to this "PUD" Planned Unit Development. Any use not specifically listed or referenced in this "PUD" Planned Unit Development ordinance as permitted is expressly prohibited.

PART 3. Exhibits.

That the Exhibits attached hereto are copies of originals on file with the City of Austin Planning and Development Department File No. C814-94-0001 and are incorporated in this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits attached hereto are as follows:

Exhibit "A" Legal Description of the boundaries of the Land Use Plan
Exhibit "B" PUD Planned Unit Development Land Use Plan [DATED MARCH 2, 1995]

PART 4. Certain Terms Defined.

CITY means the City of Austin, Texas, a municipal corporation, home-rule city and political subdivision of the State of Texas.

CITY CODE means the Code of the City of Austin of 1992, as amended.

OWNER means the record owner of the subject property described in the City of Austin Planning and Development File No. C814-94-0001, or their successors or assigns as owner(s) of the Land.

PLANNING AND DEVELOPMENT DEPARTMENT means the Planning and Development Department of the City or such other department as may succeed the Planning and Development Department.

CITY OF AUSTIN, TEXAS

PROJECT means the contemplated development of the Land as depicted on the Land Use Plan.

PART 5. Assumption - Traffic Impact Analysis

Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property or any portion of the Property shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation for the Property as specified in that certain Traffic Impact Analysis prepared by W. H. M. Transportation Engineering Consultants, Inc., dated June, 1994, on file at the Department of Planning and Development, and submitted in support of the zoning request enacted by this ordinance.

PART 6. Development Intensity

That notwithstanding Part 5 of this ordinance, this "PUD" Planned Unit Development shall conform with all site development requirements approved in conjunction with the Land Use Plan for the Gaines P.U.D. Development. The location of all permitted use categories are exclusively shown on the PUD Planned Unit Development General Land Use Plan map attached as "Exhibit B." The uses permitted within each area are specifically and exclusively defined in the attached "Exhibit B."

PART 7. That nothing in this Ordinance shall be construed to limit or prohibit the exercise by the City of its police powers or authority under the City Code and other applicable law, or to limit or prohibit the right of the Owner to seek an amendment to any provision of this ordinance or the Land Use Plan or any variance or waiver from any City ordinances or regulations applicable to the Project.

PART 8. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 9. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 10. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

March 9, 1995 §
Bruce Todd
Mayor

APPROVED: Andrew Martin
City Attorney
ATTEST: James E. Aldridge
City Clerk

9Mar95
ME/jj

150.051 ACRES
TPL/GAINES RANCH
TRACT "D"

FN NO. 93-163.RR(PLF)
NOVEMBER 24, 1993
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BPI JOB NO. 566-02.90

DESCRIPTION

OF A 150.051 ACRE TRACT OR PARCEL OF LAND OUT OF THE FOLLOWING SURVEYS: THE B. BEACHUM SURVEY NO. 813, ABSTRACT NO. 110; BIRD ARNOLD SURVEY NO. 78, ABSTRACT NO. 33; AND THE JAMES TRAMMEL SURVEY NO. 4, ABSTRACT NO. 769, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CALLED 300.1 ACRES IN A DEED TO GAINES RANCH JOINT VENTURE OF RECORD IN VOLUME 11692, PAGE 200 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 150.051 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set on the the west Right-of-Way line of Loop 1 (MOPAC) for the northeast corner hereof, from which a 1/2" iron rod found for the southernmost corner of that tract of land called 60.93 acres (Barton Creek Park) in a deed to The City of Austin of record in Volume 7600, Page 121 of the said Real Property Records, and being the northeast corner of the said 300.1 acre tract, bears N60°29'05"E, a distance of 565.85 feet;

THENCE, along the west line of the said Loop 1, the following five (5) courses and distances:

- 1) S60°29'05"W, a distance of 20.89 feet to a concrete monument found for an angle point;
- 2) S66°55'39"W, a distance of 402.91 feet to a concrete monument found for an angle point;
- 3) S60°21'40"W, a distance of 298.81 feet to a concrete monument found for an angle point;
- 4) S54°47'25"W, a distance of 302.24 feet to a concrete monument found for an angle point;
- 5) S60°28'35"W, a distance of 770.35 feet to a 1/2" iron rod set for an angle point, from which a concrete monument found bears S60°28'35"W, a distance of 129.63 feet;

THENCE, leaving the north line of the said Loop 1, over and across the said Gaines tracts, the following seven (7) courses and distances:

- 1) N35°02'05"W, a distance of 154.69 feet to a 1/2" iron rod set at the beginning of a non-tangent curve to the left;
- 2) 553.49 feet along the arc of said curve to the left, having a radius of 697.75 feet (radius point bears S54°18'01"W), a central angle of 45°26'59", and a chord which bears N58°25'29"W, a distance of 539.09 feet to a 1/2" iron rod set at the beginning of a non-tangent compound curve to the left;
- 3) 442.66 feet along the arc of said curve to the left, having a radius of 480.52 feet (radius point bears S40°42'28"W), a central angle of 52°46'52", and a chord which bears N75°40'58"W, a distance of 427.17 feet to a 1/2" iron rod set at the beginning of a non-tangent compound curve to the left;
- 4) ~~759.76~~ 1081.42 feet along the arc of said curve to the left, having a radius of 1081.42 feet (radius point bears S17°38'27"E), a central angle of 40°02'31", and a chord which bears S52°20'18"W, a distance of 740.48 feet to a 1/2" iron rod set;

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- 5) N74°14'20"W, a distance of 68.01 feet to a 1/2" iron rod set at the beginning of a non-tangent curve to the left;
- 6) 412.06 feet along the arc of said curve to the left, having a radius of 967.31 feet (radius point bears S38°41'57"W), a central angle of 24°24'25", and a chord which bears N63°30'16"W, a distance of 408.95 feet to a 1/2" iron rod set at the beginning of a non-tangent compound curve to the left;
- 7) 226.18 feet along the arc of said curve to the left, having a radius of 969.39 feet (radius point bears S40°51'13"E), a central angle of 13°22'06", and a chord which bears N55°49'50"W, a distance of 225.67 feet to a 1/2" iron rod set on the west line of the said 300.1 acre tract, being on the east line of Lot 15, Block "D", Travis Country, a subdivision of record in Book 60, Page 58 of the said Real Property Records, for an angle point;

THENCE, along the common line between the said 300.1 acre tract, and the said Travis Country, the following five (5) courses and distances:

- 1) N29°16'13"E, a distance of 40.49 feet to a 1/2" iron rod set for an angle point;
- 2) N29°27'11"E, at 6.57 feet passing a 1/2" iron rod found 0.4 feet east of line, for the southeast corner of Lot 16, Block "D" of said subdivision, and continuing on, in all, a distance of 175.54 feet to a 1/2" iron rod found, for an angle point;
- 3) N29°18'18"E, at 329.48 feet passing a 1/2" iron rod found 0.6 feet east of line, for the southeast corner of Lot 38, Block "D" of said subdivision, and continuing on, in all, a distance of 401.19 feet to a 1/2" iron rod set, for an angle point;
- 4) N29°22'33"E, at 143.28 feet passing a 1/2" iron rod found 0.5 feet east of line, for the southeast corner of Lot 29, Block "F" of said subdivision, being on the north Right-of-Way line of Mesa Village Drive (60' R.O.W.), as shown on the subdivision plat of said subdivision, and continuing on, in all, a distance of 201.71 feet to a 1/2" iron rod found, for an angle point;
- 5) N29°24'58"E, a distance of 607.37 feet to a 1/2" iron rod set, from which a 1/2" iron rod found for the southeast corner of Lot 30, Block "R", Village Park 5 at Travis Country, a subdivision of record in Book 90, Page 1 of the said Real Property Records, bears N29°24'58"E, a distance of 396.07 feet;

THENCE, leaving the east line of the said Travis Country, over and across the said Gaines tracts, the following twelve (12) courses and distances:

- 1) 773.26 feet along the arc of a non-tangent curve to the left, having a radius of 715.22 feet (radius point bears N31°38'18"E), a central angle of 61°56'41", and a chord which bears S89°20'03"E, a distance of 736.14 feet to a 1/2" iron rod set at the beginning of a non-tangent compound curve to the left;

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- 2) 1014.83 feet along the arc of said curve to the left, having a radius of 981.02 feet (radius point bears N37°35'48"W), a central angle of 59°16'12", and a chord which bears N22°46'06"E, a distance of 970.18 feet to a 1/2" iron rod set;
- 3) N02°36'07"E, a distance of 405.36 feet to a 1/2" iron rod set;
- 4) N00°48'15"W, a distance of 225.00 feet to a 1/2" iron rod set;
- 5) N71°19'40"E, a distance of 485.00 feet to a 1/2" iron rod set;
- 6) N39°53'28"E, a distance of 100.00 feet to a 1/2" iron rod set;
- 7) N20°54'12"E, a distance of 300.00 feet to a 1/2" iron rod set;
- 8) S81°02'19"E, a distance of 405.00 feet to a 1/2" iron rod set at the beginning of a non-tangent curve to the left;
- 9) 390.22 feet along the arc of said curve to the left, having a radius of 4009.57 feet (radius point bears N81°51'09"E), a central angle of 05°34'34", and a chord which bears S10°56'08"E, a distance of 390.07 feet to a 1/2" iron rod set;
- 10) 505.01 feet along the arc of said curve to the left, having a radius of 1123.81 feet (radius point bears N88°08'10"E), a central angle of 25°44'49", and a chord which bears S14°44'15"E, a distance of 500.77 feet to a 1/2" iron rod set at the beginning of a non-tangent compound curve to the left;
- 11) 1048.24 feet along the arc of said curve to the left, having a radius of 2258.81 feet (radius point bears N83°30'21"E), a central angle of 26°35'21", and a chord which bears S19°47'19"E, a distance of 1038.86 feet to a 1/2" iron rod set at the beginning of a non-tangent reverse curve to the right;
- 12) 948.15 feet along the arc of said curve to the right, having a radius of 2079.81 feet (radius point bears S56°55'00"W), a central angle of 26°07'13", and a chord which bears S20°01'23"E, a distance of 939.96 feet to the POINT OF BEGINNING, containing 150.051 acres of land, more or less, within these metes and bounds.

STATE OF TEXAS
COUNTY OF TRAVIS

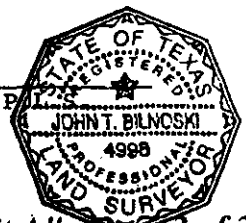
§
§ KNOW ALL MEN BY THESE PRESENTS
§

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 24TH DAY OF NOVEMBER, 1993. A.D.

BURY & PITTMAN, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

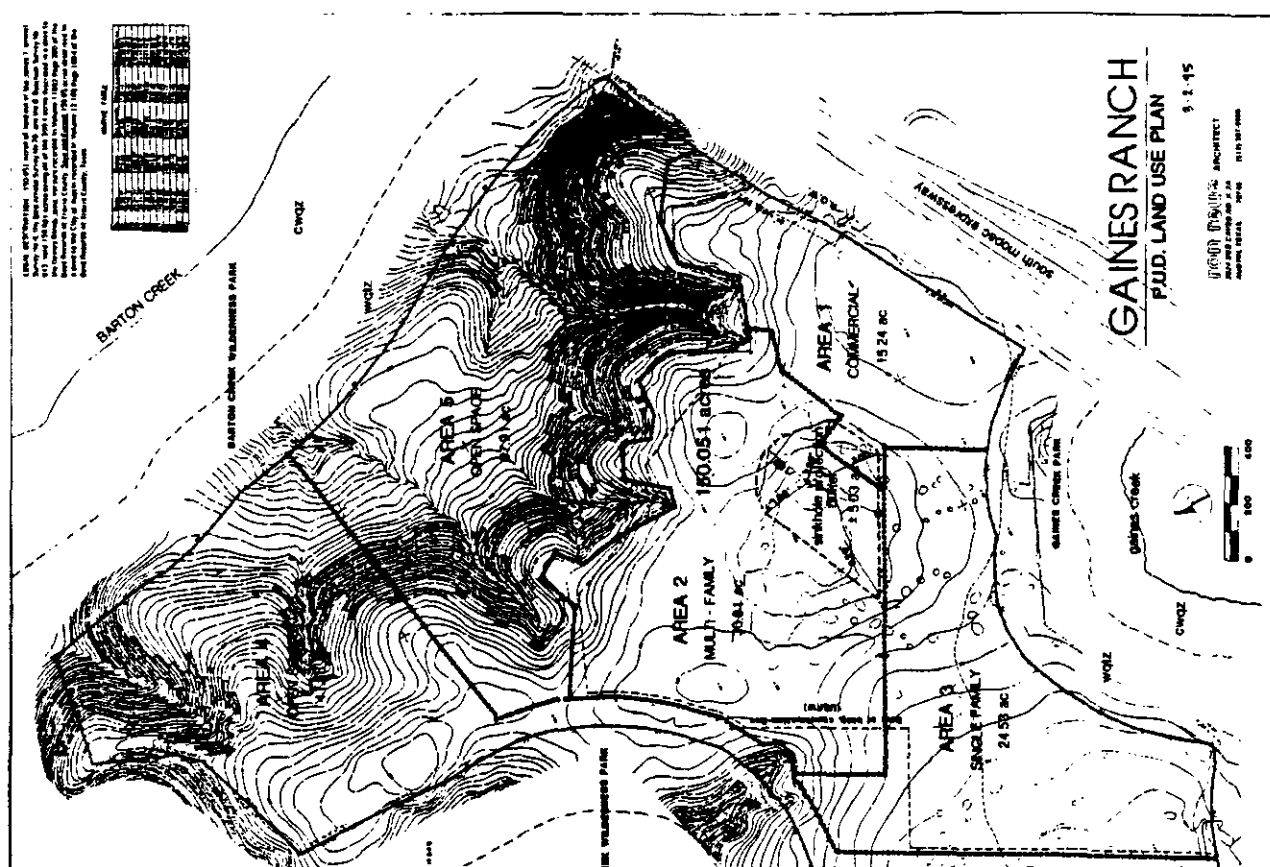
John T. Bilnoski
JOHN T. BILNOSKI, R.P.
NO. 4998
STATE OF TEXAS



"Exhibit A" - Page 3 of 3

[illegible][illegible]

DATE		TIME		LOCATION		WIND		SEA		TEMP		HUMID		VISIB		PRESS		REMARKS	
MO	DAY	HR	MIN	DIR	SPEED	DIR	SPEED	HT	PERIOD	AIR	SEA	WIND	WAVE	WIND	WAVE	WIND	WAVE	WIND	WAVE
1964	10	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	11	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	12	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	13	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	14	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	15	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	16	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	17	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	18	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	19	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	20	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	21	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	22	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	23	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	24	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	25	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	26	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	27	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	28	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
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1964	30	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10
1964	31	08	00	090	10	090	10	10	10	20	10	10	10	10	10	10	10	10	10

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GAINES RANCH

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